

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO, EASTERN DIVISION**

**KING LINCOLN BROWNSVILLE
NEIGHBORHOOD ASSOCIATION, *ET AL.***

CASE NO. 2:06-CV-00745

PLAINTIFFS,

V.

**JUDGE MARBLEY
MAGISTRATE JUDGE KEMP**

**OHIO SECRETARY OF STATE
JENNIFER BRUNNER, ET AL.**

**PLAINTIFFS' REPLY TO THE OHIO CHAMBER OF COMMERCE MEMORANDUM
CONTRA PLAINTIFFS' MOTION FOR RECONSIDERATION OF THE MAGISTRATE
JUDGE'S DECISION AND ORDER QUASHING PLAINTIFF' SUBPOENA TO THE
OHIO CHAMBER OF COMMERCE**

This motion presents a discovery issue in the context of a civil rights case. If the Ohio Chamber actually believes that the document hold notice issued to it in 2007 and reaffirmed by Plaintiffs' trial attorney in April 2010 were not properly grounded, it should present its arguments in that regard to the court in a motion seeking relief from the obligation to hold its documents. That argument in this context is not appropriate.

Plaintiffs' trial attorney on behalf of Ronnie Dugger's¹ Alliance for Democracy successfully

¹ Ronnie Dugger was the founding editor and former publisher of the Texas Observer, one of the most respected and honored independent political journals in the United States. In a November 7, 1988 article, "Annals of Democracy Counting Votes," appearing in the New Yorker Magazine, Dugger explained the danger presented to American democracy by electronic voting technology. In August 1995 Dugger in an article appearing in The Nation Magazine called for the creation of a national populist movement, following the principles of nonviolence espoused by Gandhi and Martin Luther King Jr., to counter the rule of global corporations over the American polity and economy. This became the basis for the creation of the Alliance for Democracy, soon endorsed by Dugger's colleague at the Texas Observer, Molly Ivins, and Dugger's colleague in the Green Party, Ralph Nader.

litigated for five years against the Ohio Chamber and its Citizens for a Strong Ohio concerning their illegal expenditures amounting to some \$16 million over three election cycles from 2000–2004 in Ohio Supreme Court elections. The highest state and federal courts of Ohio upheld the Alliance’s position in this litigation. See e.g. *Citizens for Ohio, et al. v. Marsh*, USCA 6th Cir. Case No. 04-3112, in which Judge Cole for the panel took judicial notice that Citizens for a Strong Ohio was a political action committee, and *Common Cause/Ohio v. Ohio Elections Commission*, 2002-Ohio-5965, decision by the Ohio Tenth District Court of Appeals.

In this case Plaintiffs have submitted ample evidence upon which there is reason to believe that

Dugger as Chair of the Alliance for Democracy Clean Money Campaign in 2000 authorized the filing by plaintiffs’ trial attorney of a companion complaint to that previously brought by Common Cause/Ohio against the Ohio Chamber and Citizens for Strong Ohio who were then engaged in a \$7 million saturation campaign of defamation against Justice Alice Robie Resnick’s reelection.

Dugger, in another article, “How They Could Steal the Election This Time” in the August 16, 2004 issue of The Nation Magazine, predicted the theft of the 2004 presidential election. Dugger personally covered the filing of the contest before the Ohio Supreme Court of the Presidential and Ohio Chief Justice elections of 2004 on December 13, 2004, and testified before U.S. Representative John Conyers’ hearing at the Columbus City Hall following that the filing.

Dugger co-chaired the Alliance for Democracy Honest Elections Campaign with plaintiffs’ trial attorney, then serving as co-chair of the Alliance for Democracy. The Ohio Honest Elections Campaign of the Alliance was the 501(c)(3) funding vehicle for the Ohio Supreme Court contest of election *Moss v. Bush et al.*, 104 Ohio St.3d 597, 2004-Ohio-6792, *Moss v. Moyer*, 2004-Ohio-2106, and *Moss v. Bush, et al.*, 105 Ohio St.3d 458, 2005-Ohio-2419 and later motion to intervene in *Ohio Democratic Party v. Blackwell et al.* Case No 2:04-cv-1055 in the U.S. District Court SDOH, as well as research of the 2004 ballots which was part of the foundation for this 2006 suit, initially filed for the purpose of saving the 2004 ballots from destruction.

Dugger also provided the inspiration for the formation of the Ohio Voting Rights Alliance for Democracy composed of African Americans who personally experienced and witnessed the targeted voter suppression of the 2004 Ohio election.

the Chamber has made expenditures to influence Ohio elections in the 2010 cycle that were coordinated with Karl Rove acting in an unofficial defacto capacity as head of the national coordinated Republican campaign. The requested information is relevant to the plaintiffs' case alleging an ongoing civil rights conspiracy against them.

Furthermore, the requested discovery is permissible under the order agreed to between plaintiffs and Ohio Secretary of State Jennifer Brunner. It was agreed to by Ohio Secretary of State Jennifer Brunner pursuant to the terms of that order. See plaintiffs reply to the memorandum Contra state of Ohio been filed concurrently herewith.

Respectfully submitted,
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CERTIFICATE OF SERVICE

A copy of the foregoing was served upon counsel for the parties and respondent through the court's electronic filing system, this 3rd day of January 2011.

/s/ Clifford O. Arnebeck, Jr.

Clifford O. Arnebeck, Jr.